

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KAREN MALDONADO, et al.	:	CIVIL ACTION
	:	
v.	:	No. 18-1492
	:	
CITY OF PHILADELPHIA	:	
DEPARTMENT OF HUMAN	:	
SERVICES, et al.	:	

ORDER

AND NOW, this 18th day of January, 2019, upon consideration of Defendants the City of Philadelphia (the City), Jessica Shapiro, Javier Aguero, Roya Paller, Motion N' Dance, Thomas Marcucci, Staciann Marcucci, Jessica Gibson, and Christopher Hermann's motions to dismiss Plaintiffs' Amended Complaint, Plaintiffs Karen and Anibal Maldonado's opposition thereto, and the parties' presentations at the October 31, 2018, oral argument on the motions, and for the reasons set forth in the accompanying Memorandum, it is ORDERED the Motions (Documents 32, 34, 35, 36) are GRANTED in part and DENIED in part as follows:

- The motions are GRANTED as to Count I insofar as Mrs. Maldonado's § 1983 substantive due process claim against Paller in her official capacity is DISMISSED with prejudice. The motions are DENIED as to Mrs. Maldonado's § 1983 substantive due process claim against Paller in her individual capacity.

- The motions are GRANTED as to Count II insofar as Mrs. Maldonado's civil conspiracy claim pursuant to § 1983 is DISMISSED with prejudice as to Motion N' Dance and DENIED as to the remaining defendants.

- The motions are GRANTED as to Count III insofar as Mrs. Maldonado's § 1983 substantive due process claims against Shapiro and Aguero in their official capacities are

DISMISSED with prejudice. The motions are DENIED as to Mrs. Maldonado's § 1983 substantive due process claims against Shapiro and Aguero in their individual capacities.

- The motions are DENIED as to Count IV.
- The motions are GRANTED as to Count V insofar as the intentional infliction of emotional distress claim is DISMISSED with prejudice as to the City and Motion N' Dance and DISMISSED without prejudice as to the remaining defendants.
- The motions are DENIED as to Count VI.
- The motions are DENIED as to Count VII.
- The motions are GRANTED as to Count VIII insofar as the civil conspiracy claim is DISMISSED with prejudice as to Motion N' Dance and DISMISSED without prejudice as to the remaining defendants.
- The motions are granted as to Count IX insofar as the loss of consortium claim is DISMISSED with prejudice as to the City and Motion N' Dance and DISMISSED without prejudice as to the remaining defendants.

It is further ORDERED Defendants Motion N' Dance, Thomas Marcucci, Staciann Marcucci, and Jessica Gibson's motion to strike (Document 34) is DENIED.

Plaintiffs shall have until February 1, 2019, to file a second amended complaint that corrects the pleading deficiencies identified in the accompanying Memorandum as to any claims dismissed without prejudice. Failure to file a second amended complaint within the time permitted may result in dismissal of such claims with prejudice.

Because the exhibits to the Amended Complaint were filed under seal, the Memorandum in the above-captioned case has been temporarily filed under seal. The parties are DIRECTED to provide the Court with any proposed redactions to the Memorandum, together with the reason for

each redaction, on or before February 1, 2019. The Court will then determine whether to accept the proposed redactions and will unseal the Memorandum in an appropriate form.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, C.J.